

Appln. No.: 10/797,336

Reply to Office action of April 19, 2005

IN THE DRAWINGS:

The attached sheets of drawings include changes to Figures 3, 4 and 6. These sheets, which includes Figures 1-7, replaces the original sheets of drawings including Figures 1-7 .

Attachment: Replacement Sheets

REMARKS:

Examiner's objections and requirement for correction concerning certain informalities regarding claims 25 and 26 have been fully and completely addressed by the amendment of these claims. Applicant acknowledges and appreciates the Examiner's indication of the allowability of claims 25 and 26 were they to be rewritten in independent form to incorporate the limitations of their bases claim 24. However, the allowability of these claims is addressed below in conjunction with remarks below related to the additional rejection of claims 21-24.

Applicant hereby acknowledges and expresses appreciation for the Examiner's indication of the prospective allowability of claims 27-29 pending amendment to address the antecedent basis issues noted. Claims 27-29 have been amended to address Examiner's rejection of claims 27-29 as lacking proper antecedent basis with regard to several elements of the claims. It is believed that amended claims 27-29 provide proper antecedent basis for all of the claim elements recited therein. Therefore, Examiner's rejection of claims 27-29 under 35 U.S.C. § 112, second paragraph, is traversed, and applicant respectfully requests that this rejection be withdrawn, and that these claims be allowed.

Examiner has rejected claims 21-24 under 35 U.S.C. § 103 (a) in view of US Patent 4, 339, 839 issued to Knights. With regard to claims 21-24, Examiner has stated that Knights, in the embodiments associated with Figures 5 and 6, teaches all of the elements of applicant's invention except that the frame should be formed of rigid extruded aluminum, and that the use of rigid extruded metal (i.e., aluminum) in the embodiments

shown in figures 5 and 6 is obvious in view of figures 1-4. This is improper for a number of reasons, including at least those set forth below. Knights itself does not support examiners assertion that it would be obvious to substitute an extruded metal frame for the extruded plastic frame described in Knights with respect to Figures 5 and 6. At column 4, lines 19- 26, the use of a plastic frame is specifically taught as being "In contrast" with the use of an extruded metal frame . When Knights has specifically contrasted the use of plastic and aluminum in a specific embodiment, as is the case with the embodiment of Figures 5 and 6, it is improper for the Examiner to later state that the substitution of an extruded rigid metal frame for a plastic frame would appear to be obvious with respect to that same embodiment. As such Knights itself teaches away from the Examiner's proposed interpretation of its teaching. Further to this point, Knight teaches at column 1, line 65 through column 2, line 10, that rigid, extruded metal frames and extruded plastic frames have significantly different characteristics and applications. As such, there is no indication that it would be obvious as Examiner has stated for the extruded plastic frame of the embodiment of Figures 5 and 6 to be substituted for a rigid extruded metal frame.

Further, with regard to claim 21, Examiner has improperly substituted staking as described in applicants invention as involving the deformation of the extruded rigid metal frame to form protuberances which retain the wiper blade for the insertion of end plugs as described in Knights. This is clearly improper as applicant has clearly in taught that either staking may be used to retain the wiper element (page 5, lines 19-23) or the insertion of end plugs (page 6, lines 1-14). Claim 21 is specifically directed to staking, not the insertion of end plugs. Further, as is clearly taught in this application at page 6, lines 12-14, these steps of retaining the wiper element are different and distinct from one

Appln. No.: 10/797,336

Reply to Office action of April 19, 2005

another. Still further, it is clear that staking, which is a well understood method of mechanically deforming an item, typically to provide a retention feature such as the protuberances mentioned, is clearly different than using two additional elements (end plugs) to provide the retention of the wiper element. Staking utilizes deformation of the wiper frame to retain the wiper blade, while insertion of end plugs requires two additional elements to retain the wiper blade. Therefore, the teaching of Knights does not provide all of the elements required in claim 21, namely the step of staking as described therein.

Thus, Knights does not constitute a proper basis for rejecting either claim 21 or 24, or the claims which depend from them. Therefore, Examiner's rejection of claim 21-24 and their dependent claims under 35 USC 103(a) in view of Knight is traversed as being improper, and withdrawal of this rejection and allowance of these claim is respectfully requested.

Claim 22 has been amended to correct a typographical error.

Reconsideration of this application as amended is respectfully requested.

It is believed that this application now is in condition for allowance. Further and favorable action is requested.

The Patent Office is authorized to charge or refund any fee deficiency or excess to

Appln. No.: 10/797,336
Reply to Office action of April 19, 2005

Deposit Account No. 08-2789.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.

07/12/2005
Date


Edmund P. Anderson, Registration No. 34,764
The Pinehurst Office Center, Suite #101
39400 Woodward Avenue
Bloomfield Hills, Michigan 48304-5151
(248) 723-0370

Appln. No.: 10/797,336

Reply to Office action of April 19, 2005

CERTIFICATE OF MAILING



I hereby certify that this **Amendment** is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on

July 13, 2005

Amy C. Grubb
Amy C. Grubb